

CALIFORNIA MULTIPLE AWARD SCHEDULE

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SECTION 1 - OVERVIEW

Legislation

Public Contract Code (PCC) Sections 10290 et seq. and 12101.5 include approval for local government agencies to use CMAS for acquisition of information technology and non-information technology products and services.

PCC Sections 10298 and 10299 authorizes local government agencies and school districts to use CMAS and other Department of General Services agreements without competitive bidding. However, each local government agency should make its own determination whether the CMAS program is consistent with their procurement policies and regulations.

Local Government Agencies

A local government agency is any city, county, city and county, district, or other local governmental body or corporation, including the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges empowered to expend public funds.

Agency Responsibilities

Each agency is responsible for its own contracting program and purchasing decisions, including use of the CMAS program and associated outcomes.

Successful CMAS transactions are totally the responsibility of the ordering agency.

It is the responsibility of each agency to consult as applicable with legal staff and contracting offices for advice depending upon the scope or complexity of the purchase order.

How are CMAS Contracts Established?

CMAS contracts include primarily the same products, services and prices as those included on the federal government's multiple award schedule program. Section 2 of the CMAS Contractor Packet (www.dgs.ca.gov/pd click on CMAS) outlines how CMAS contracts are established.

How Do Agencies Use CMAS?

Agencies contact the Contractor to obtain a copy of the contract, competitively shop for best value, and issue orders directly to the Contractor. Local government agencies are subject to their own procurement codes and guidelines.

What is Included?

CMAS contracts are established for information technology and non-information technology products and services that have been competitively assessed, negotiated, or bid primarily by the federal General Services Administration, but not exclusively.

The contracts are structured to comply with California procurement codes, guidelines, and policies, and provide for the highest level of contractual protection.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 1 - OVERVIEW, Continued

What is Excluded?

The following services are not available on the CMAS program:

Architectural, Engineering, and Environmental Services

Services are not allowed on CMAS that are required by law to be performed by a licensed architect, licensed registered engineer, licensed landscape architect, construction project manager, licensed land surveyor, or environmental services as defined in Government Code 4525. If you have questions about these types of transactions, the Department of General Services (DGS), Real Estate Services Division (RESA) can be contacted at 916/376-1748.

Financial Audits

Government Code 8546.4(e) requires prior written approval from the State Controller and the Director of Finance for state agencies entering into contracts for financial auditing services. The approval shall state the reason for the contract and shall be filed with the State Auditor at least 30 days prior to the award of the contract.

Legal Services

Contracting for legal services by state agencies is controlled by statutes (GC 11040) that require Attorney General approval prior to entering into contracts with outside counsel. Additionally, Article VII of the California Constitution requires that state legal work be performed by state employees, absent limited exceptions (Government Code 19130). There are also policy-based approval requirements for all Executive Branch agencies that control the use of private counsel.

Public Works

Does the work involve erection, construction, alteration, repair or improvement of a public structure as defined in Public Contract Code Section 1101.

See the State Contracting Manual, Section 10 and 11 and the CMAS Agency Packet, Section 16, Public Works Projects.

The Department of General Services (DGS) Real Estate Services Division (RESA) should be contacted for information on these types of transactions. For Architectural and Engineering, contact 916/376-1748. For Public Works, contact 916/376-1768.

Facility Planning, Registered Nursing, and Security Guard Services

By CMAS policy, the services shown above are not permitted on CMAS contracts.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 1 - OVERVIEW, Continued

Legal Requirement to Consider Small Business

State agencies shall whenever “practicable” first consider offers from small businesses and/or DVBE’s that have established CMAS contracts (Government Code Section 14846(b) (Executive Order)).

The Department of General Services waives the administrative fee (a fee currently charged to customer agencies to support the CMAS program) for purchase orders awarded to certified small business enterprises.

Small Business/DVBE Subcontracting Participation

State agencies are able to claim subcontracting dollars towards their small business or DVBE goals whenever the Contractor subcontracts a commercially useful function to a certified small business or DVBE. The Contractor will provide the ordering agency with the name of the small business or DVBE used and the dollar amount the ordering agency can apply towards its small business or DVBE goal. See Section 11, Small and Disabled Veteran Businesses and Americans with Disabilities (ADA).

Contractor’s Option

As specified in the CMAS contract, it is at the option of the Contractor whether or not to extend the CMAS contract to local government agencies.

Contractors must report all local government agency transactions in their quarterly reports.

Protests

California code does not provide for formal protest of CMAS transactions. The individual ordering agency handles informal complaints.

If necessary, customers may contact the CMAS Unit for assistance.

How to Contact CMAS

Department of General Services
Procurement Division – CMAS Unit
707 Third Street, Second Floor
West Sacramento, California 95605
Phone: (916) 375-4365
Fax: (916) 375-4663
E-mail: cmas@dgs.ca.gov
Website: www.dgs.ca.gov/pd (click on CMAS)

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 2 – CMAS BASICS

CMAS is Optional	The CMAS program is a procurement option. It is not mandatory that agencies use CMAS.
Contract Price is Maximum (CAP)	Contract prices for products and/or services are maximums. The ordering agency is encouraged to negotiate lower prices.
Best Value Determination	<p>All CMAS transactions are based on best value criteria. Best value constitutes whatever the agency determines to be most critical to their application or project. That is, lowest price, warranty and maintenance provisions, delivery time, or technical expertise, etc. (see Public Contract Code 12100.7(g)).</p> <p>See Section 4, Best Value Determination, for guidelines.</p>
Who Can Sell?	The prime CMAS contractor and resellers who are explicitly listed in the contract can sell. No one else.
Be a Smart Shopper	<p>Agencies are required to confirm that the products, services and prices are included in the contract and are at or below contract rates.</p> <p>To substantiate that the required products and services are provided for in the contract, agencies should ask the Contractor for a copy of the contract pages (and amendments) that include the required products and services. Save this information for your files.</p>
Contractor Provides Contract	<p>The Contractor is required to furnish copies of the contract upon request. If they do not respond to your request, call another contractor.</p> <p>The Contractor's contact name and phone number are available from the following Procurement Division website:</p> <p>www.dgs.ca.gov/pd (click on CMAS, then Find a CMAS Contract.)</p>
Legal Counsel	It is the responsibility of each agency to consult as applicable with their legal staff and contracting offices for advice depending upon the scope or complexity of the purchase order.
CMAS Website Search Instructions	Agencies can use the CMAS website to search for contractors and/or products. Search instructions can be found in Attachment A.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 2 – CMAS BASICS, Continued

CMAS Website Search Instructions (continued)

To get an accurate listing you should use the copy and paste method rather than typing in the words. Using your own words is accurate “only” if you know exactly how the item is described in the CMAS database. The Product and Services Codes identify how the items are described in the database. See CMAS website www.dgs.ca.gov/pd (click on CMAS) for the most current list of Products and Services Codes.

Please call the CMAS Unit at 916/375-4363 if you have difficulty with these instructions.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 3 – CONTRACT CONSIDERATIONS

What Comprises a Complete CMAS Contract?

A complete CMAS contract consists of the following elements:

- Cover page with Department of General Services (DGS) logo and CMAS analyst's signature.
- California Ordering Instructions and Special Provisions.
- Payee Data Record (Std. 204)
- California CMAS Terms and Conditions.
- Federal General Services Administration (GSA) contract or non-GSA multiple award contract terms and conditions.
- Federal General Services Administration (GSA) contract or non-GSA multiple award contract products, services, and prices.

Why Does Agency Need Contract?

A copy is needed to:

- Determine warranties, guarantees, maintenance provisions, product return policies, bond requirements, travel costs, etc.
- Determine if products and services are available on the contract
- Determine which products and/or services are specifically excluded
- Determine if prices quoted are at or below contract rates
- Determine if additional approvals, forms, filings, etc. are required
- Substantiate that the Contractor is certified as a small business
- Substantiate that the Contractor has a valid Contractor's License (if applicable)
- Obtain contractor's signed Payee Data Record (Std. 204)

Liquidated Damages and Acceptance Testing/Criteria

If the agency wants to include acceptance testing and liquidated damages for late delivery, the criteria must be added to the purchase order to be applicable. See Attachment E for things to consider when developing a Statement of Work.

Bond Requirements

Public Works: Prior to the commencement of performance, the Contractor must obtain and provide to the State, a payment bond, on Std. Form 807, when the purchase order involves a public works expenditure (labor/installation costs) in excess of \$5,000. Such bond shall be in a sum not less than one hundred percent (100%) of the contract price. Forms shall be provided to the Contractor. See the General Terms and Conditions, CMAS Public Works Requirements.

Progress Payments: Special contracts for goods and information technology products and/or services not suitable for sale to others; progress payments; performance bonds (Public Contract Code 10314 and 12112):

Continued on next page

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 3 – CONTRACT CONSIDERATIONS, Continued

Bond Requirements (continued)

Not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the goods or services, and provided further, that the Contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the Contractor. See CMAS contract terms and conditions, Information Technology, General Terms and Conditions, Paragraph 69., CMAS Progress Payments/Performance Bonds.

Updates and/or Changes to CMAS Contracts

When do CMAS contracts get amended?

Federal GSA Contracts:

Once the federal GSA contract is amended by the federal government, the change becomes effective for associated CMAS contracts without the need for a CMAS amendment, with the following exceptions:

1. A CMAS contract amendment is required when the contract is based on products and/or services from another contractor's multiple award contract and the Contractor wants to add a new manufacturer's products and/or services.
2. A CMAS contract amendment is required for new federal contract terms and conditions that constitute a material difference from existing contract terms and conditions. A material change has a potentially significant effect on the delivery, quantity or quality of items provided, the amount paid to the Contractor or on the cost to the State.
3. A CMAS contract amendment is required for changes to contracts that require Prison Industry Authority (PIA) approval.

Non-GSA Multiple Award Contracts:

A CMAS contract amendment is required for any change to a CMAS contract based on a non-federal multiple award contract.

If the required products and services are not listed in the CMAS contract, the agency should require the Contractor to provide a copy of the federal GSA or CMAS amendment to evidence that the required products and services have been formally approved for the contract.

The Procurement Division's Purchasing Authority Management Section (PAMS) substantiates that the Contractor is selling only approved products, services, and prices during compliance reviews.

Contract Manager

A contract manager is the authorized agency representative responsible for administering a purchase order and monitoring the Contractor's performance. Duties may or may not include authority to sign purchase orders.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 3 – CONTRACT CONSIDERATIONS, Continued

Contract Manager (continued)

The contract manager serves as a liaison with the Contractor and may perform administrative tasks ranging from the request of services through the performance and final payment for completed services.

See chapter 9 of the State Contracting Manual, Volume 1, for the following guidelines:

- Responsibilities of the Contract Manager
 - Contract Manager “Don’ts”
 - Ethics
 - Record Keeping
 - Performance of the Contractor
 - Termination of the Contract
 - Closing of Service Contracts
 - Retention of Contract Records
-

Travel

If the contract provides for travel, state agencies may pay travel and per diem expenses according to state travel time and per diem rules (represented employee rates) with verified receipts.

Local government agency, education and special districts will pay travel time and per diem according to their respective statutory requirements.

All travel and per diem expenses must be within contract parameters, and incorporated into the agency purchase order.

It is important that the agency and contractor discuss necessary travel requirements prior to issuing the purchase order because the detail and cost (only as allowed for in the contract) must be included in the agency purchase order to be payable.

Training Vouchers

It is acceptable to purchase training vouchers in advance of the training being performed “if” the Contractor does not invoice, and the agency does not pay, for the training services in advance. See Section 5, Payments and Invoices.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 4 – BEST VALUE DETERMINATION

CMAS Program Evaluation	All CMAS transactions are based on best value criteria.
What is Best Value?	Best value is whatever the agency identifies as critical and important to the success of the project (cost, maintenance, delivery, etc.). Public Contract Code 12100.7 (g).
Determining Best Value	<p>To determine best value, the following minimum steps are required. Agencies must:</p> <ul style="list-style-type: none">• Define their requirements (Statement of Work)• Obtain a copy of the contract from the Contractor• Review the contract in context with agency requirements and contractor offer• Compare contracts and offers with those from other contractors
Review Resumes	Before selecting a contractor, the agency must review the resumes of all contractor personnel to ensure that the expertise, education, and experience offered correlates with that specified in the CMAS contract.
Fair and Reasonable	Conducting business in a professional manner and treating the Contractors fairly and reasonably promotes responsive and supportive business partners.
Document Files	See Section 14, Agency Compliance, for guidelines <u>applicable to state agencies only</u> .

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 5 – PAYMENTS AND INVOICES

CAL-Card (Credit Card)

CAL-Card is a payment mechanism some State and local government agencies use for the purchase of goods and services. The CMAS contract will stipulate whether or not the Contractor accepts the CAL-Card.

A purchase order document is required even when the ordering department chooses to pay the contractor via the CAL-Card. When applicable, the purchase order should indicate if payment was made via CAL-Card. The DGS administrative fee is applicable for all CMAS orders, even if payment is made via CAL-Card.

Advance Payments

It is NOT acceptable to pay for services in advance except software maintenance and license fees, which are considered a subscription, may be paid in advance if a provision addressing payment in advance is included in the purchase order.

Warranty upgrades and extensions may also be paid for in advance, one time.

Advance payment for services is allowed by Government Code 11019 only under limited, narrowly defined circumstances, e.g., between specific departments and certain types of non-profit organizations, or when paying another government agency.

Administrative Fee/Billing

The Department of General Services (DGS) will bill each state and local agency directly an administrative fee for use of CMAS contracts. The administrative fee should NOT be included in the order total, nor remitted before an invoice is received from DGS. This fee is waived for purchase orders to California certified small businesses, providing the contractor has identified themselves as a certified small business to the CMAS Unit.

See DGS Price Book at www.dgs.ca.gov/publications (click on DGS Price Book) for current fees.

The Procurement Division will invoice state and local government agencies directly. The administrative fee is:

- Not included in the purchase order
- Not invoiced by the Contractor
- Not remitted by the agency before an invoice is received

The agency can ask the Contractor to pay the administrative fee (contractor may decline). In this case, the agency forwards the Procurement Division invoice to the Contractor and the Contractor issues a check to the Procurement Division for the invoice amount.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 5 – PAYMENTS AND INVOICES, Continued

Administrative Fee/Billing (continued)

When the total of the agency purchase order is higher than the amount invoiced by the contractor, the agency must issue an amendment to the purchase order to lower the total amount or DGS/PD will bill the administrative fee against the original higher total.

Progress Payments

A progress payment is a partial payment for a portion or segment of the work needed to complete a task.

To determine whether a particular task is separate and distinct, you must decide if later tasks build on it.

Agencies wishing to allow progress payments for services are required to adhere to the following guidelines.

a. Special Goods and Information Technology Products and/or Services

Any contract for goods (Public Contract Code 10314) and information technology products and/or services (Public Contract Code 12112), to be manufactured or performed by the Contractor especially for the State and not suitable for sale to others in the ordinary course of the Contractor's business may provide, on such terms and conditions as the department deems necessary to protect the State's interests, for progress payments for work performed and costs incurred at the Contractor's shop or plant, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the goods or services, and provided further, that the Contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the Contractor.

b. Non-Information Technology Services

Any contract for non-information technology services (Public Contract Code 10346) may provide for progress payments to contractors for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the contract amount shall be withheld pending final completion of the contract. However, if the contract consists of the performance of separate and distinct tasks, then any funds so withheld with regard to a particular task may be paid upon completion of that task.

Recommended policy for state agencies:

- Discourage progress payments whenever possible.
- Do not allow progress payments on purchase orders for less than three months.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 5 – PAYMENTS AND INVOICES, Continued

Progress Payments
(continued)

- If progress payments are to be made, they should be made not more frequently than monthly in arrears or at clearly identifiable stages of progress, based upon written progress reports submitted with the Contractor's invoices.
- Progress payments shall not be made in advance of services rendered.
- Purchase orders may require a withhold of ten percent (10%) of each progress payment pending satisfactory completion of the purchase order or a separate and distinct task.

**Contractor Name/
Ownership Change**

Many contractors are changing name and ownership status. The company name on the CMAS contract, purchase order and invoice must match or the agency's controller's office may not approve payment. Do not approve invoices if the company name varies between these documents. Contractors must contact the CMAS Unit to initiate a legal name change for their CMAS contract.

**Required Payment
Date**

Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code Section 927 et. seq. Unless expressly exempted by statute, the Act requires state agencies to pay properly submitted, undisputed invoices not more than 45 days after (i) the date of acceptance of goods or performance of services; or (ii) receipt of an undisputed invoice, whichever is later.

Disputed invoices should be returned immediately to the Contractor for correction.

**Maintenance Sales
Tax**

The Board of Equalization has ruled that in accordance with Regulation 1546 of the Sales and Use Tax Regulations of the Business Taxes Law Guide, that whenever optional maintenance contracts include consumable supplies, such supplies are subject to sales tax.

Generally, the State has two options:

1. For contracts that provide for only maintenance services (i.e., the furnishing of labor and parts necessary to maintain equipment), the charges for the provision of maintenance services are not taxable.
2. For contracts that provide for both maintenance services and consumable supply items (i.e., toner, developer, and staples, for example), the provision of the consumable supplies is considered a taxable sale of tangible personal property. Therefore, state agencies awarding optional maintenance contracts are responsible for paying the applicable sales tax on the consumable supplies used during the performance period of the maintenance contract.

The Contractor will be required to itemize the consumables being taxed for state accounting purposes.

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SECTION 6 – USEFUL WEBSITES

Dept. of Finance	www.dof.ca.gov	
CMAS Internet Address	www.dgs.ca.gov/pd	(click on CMAS)
CMAS Small Business Partners	www.dgs.ca.gov/pd	(click on CMAS, Find a CMAS Contract, then Small Business Contractors)
Contractor License Status	www.cslb.ca.gov	
Federal General Services Administration (GSA)	General Information: www.gsa.gov Search: www.gsaelibrary.gsa.gov	
California Codes and Laws	www.leginfo.ca.gov	
Governor's Executive Orders	http://www.governor.ca.gov/state/govsite/gov_homepage.jsp (click on Press Room)	
Office of Small Business and DVBE Services	www.pd.dgs.ca.gov/smbus	
Procurement Division Phone Directory	www.dgs.ca.gov/pd	(select Contact Us)
State Contracting Manual (SCM)	www.dgs.ca.gov/ols	(click on Contract Manual)
State Admin. Manual (SAM)	http://sam.dgs.ca.gov/default.htm	

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 7 – RENTAL, FINANCE AND LEASE POLICIES

State of California's Financial Marketplace	All CMAS purchase orders may qualify for financing and leasing via the State of California's financial marketplace, managed by the Department of General Service's Procurement Division. Both programs can be found through the Procurement Division's Home Page: www.dgs.ca.gov/pd (select Financial Marketplace)
Administrative Fee/Cost	<p>There is no longer a set fee of \$2,000 for using GS \$Mart™ or Lease \$Mart™.</p> <p>The CMAS administrative fee will be charged against the total purchase order amount, including finance and lease costs.</p>
Federal Lease to Own Purchase (LTOP)	<p>Federal Lease to Own Purchase (LTOP) and hardware rental provisions with no residual value owed at end term are acceptable (\$1 residual value at the end of the term).</p> <p>This alternative financing arrangement may be faster, but a more expensive alternative to GS \$Mart™ or Lease \$Mart™.</p> <p>The following requirements apply to the use of any Lease to Own Purchase (LTOP) Plans.</p> <p>Cancellation of a lease for lack of funds should only be done when the organization is no longer funded. Court decisions have held that Terminations for Convenience should only be employed when the agency no longer has a requirement for the equipment. Example: An employee has retired and the position will not be filled so now there is a piece of equipment that is not needed. In other words, a desire for something different, newer, or better is not a justification for the premature cancellation of a lease.</p>
Federal Lease Provisions	Except for LTOPS, federal GSA lease provisions are NOT acceptable and cannot be sold through CMAS because the rates and contract terms are unacceptable and not applicable to the State.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 8 – STATEWIDE PROCUREMENT REQUIREMENTS

Applicable Codes, Policies, and Guidelines

Local government agencies are subject to their own procurement codes, policies, and guidelines.

Using the CMAS program does not reduce or relieve agencies of their responsibility to meet procurement requirements.

We Cover Most Requirements for State Agencies

Almost all procurement codes, policies, and guidelines are covered in the CMAS contracts. It is important that you READ THE CONTRACT.

Notwithstanding the above, we do not guarantee that we have covered “every” possible requirement that pertains to all the different and unique state processes. Review our contracts carefully to determine whether we have covered your requirements because ultimately you are responsible for ensuring compliance.

State and local government agencies must report to the Employment Development Department (EDD) all payments for services that equal \$600 or more to independent sole proprietor contractors. See the Contractor’s Std. Form 204, Payee Data Record, in the CMAS contract to determine sole proprietorship.

Also Report:

- Contracts entered into prior to December 31, 2000 but payments equal \$600 or more after January 1, 2001.
- Multiple contracts less than \$600 each annually, but in the aggregate more than \$600.

When to report:

Within 20 days of payment or within 20 days of entering into the contract for \$600 or more, or if there is no contract, within 20 days of when the payments total \$600 or more in any calendar year, whichever occurs sooner.

To meet this requirement, reporting must be done at least twice a month.

All inquiries regarding this subject should be forwarded to EDD:

Magnetic media questions: 916/651-6945
Information and forms: 916/657-0529

Required Form: www.edd.ca.gov (click on Independent Contractor Reporting)
Magnetic Media Reporting Requirements: www.edd.ca.gov/taxrep/de542m.pdf

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 9 - SERVICES

What are Personal, Consulting, and Technical Services?

Personal Services – Services that have someone doing something, e.g., photography, cleaning services, graphic design.

Consulting Services – Services of an advisory nature that provide a recommended course of action or personal expertise (product of the mind).

Technical Services – Services providing maintenance, repair, or installation on either IT or Non-IT equipment.

Public Works

Physical layer cable installation and carpet installation (any change to a public structure) are considered public works. Agency CMAS purchase orders may allow for a public works component only when it is incidental to the overall project requirements. See Section 13 for Public Works Projects.

Statement of Work (SOW)

Purchase orders for consulting services must include a Statement of Work (SOW).

See Attachment E for things to consider when developing a Statement of Work (SOW).

Service and Delivery after Contract Expires

The purchase order must be issued before the contract end term. However, delivery of the products or completion of the services may be provided after the contract end term, but must be as provided for in the contract and as specified in the purchase order.

Review Resumes

Important: To ensure sufficient expertise, prior to issuing a purchase order for services, the agency is required to review the resumes of all personnel the Contractor intends to use to fulfill the transaction.

Agencies should verify that the Contractor personnel meet education and/or experience requirements listed in the CMAS contract.

Progress Payments

Agencies wishing to allow progress payments for services are required to adhere to the guidelines in Section 5, Progress Payments.

Follow-on Contracts Prohibited

No person, firm, or subsidiary thereof who has been awarded a purchase order for consulting services, or a purchase order that includes a consulting component, may be awarded a purchase order for the provision of services, delivery of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate as an end product of the purchase order (State Administrative Manual, Section 5202 and PCC 10365.5).

Continued on next page

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 9 - SERVICES, Continued

Follow-on Contracts Prohibited (continued)	Therefore, any consultant that contracts with a state agency to develop a feasibility study or provide formal recommendations for the acquisition of products or services is precluded from contracting for any work recommended in the feasibility study or the formal recommendation.
Multiple Contractors	<p>Ideally, agencies will obtain all of their requirements for a project from the same CMAS contractor because unlike the bid process each individual contractor is responsible “only” for their portion (whatever their individual purchase order specifies), not the total solution with everything completed and working together. Even if an agency hires a project manager, the project manager is responsible only for “project management.” Consequently, the agency is solely responsible for the successful integration of all components.</p> <p>Agencies must develop complete Statements of Work (SOW) that include all necessary requirements. See Attachment E for a list of questions that can be used to develop a Statement of Work.</p>
Network Design Services	All network design services must result in a hardware or software solution. Also, all network design services performed by the Contractor that include infrastructure components must be performed by a BICSI certified Registered Communications Distribution Designer (RCDD) employed either by the Contractor or subcontractor. Evidence of RCDD certification may be required by the ordering agency.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 10 – SMALL AND DISABLED VETERAN BUSINESSES AND AMERICANS WITH DISABILITIES

Small/Disabled Veteran Business Certification and Status Verification

The CMAS List of Approved Contractors identifies Small and Disabled Veteran Business Enterprises (S/DVBE) that have been certified by the Office of Small Business and DVBE Services (OSDS).

The CMAS Unit substantiates that the Contractor is certified as a Small or Disabled Veteran business when the contract is established, and we indicate in the contract the date the certification expires.

Before issuing the purchase order, we recommend that the agency re-verify the Contractor's Small Business and Disabled Veteran status by contacting OSDS at 916/375-4940 or on their website at www.pd.dgs.ca.gov/smbus.

Administrative Fee Waived for Small Businesses

The Department of General Services, Procurement Division, is waiving the administrative fee (a fee currently charged to customer agencies to support the CMAS program) for purchase orders awarded to certified small business enterprises, providing the contractor has identified themselves as a certified small business to the CMAS Unit.

Americans with Disabilities Act (ADA)

Section 504 of the Rehabilitation Act of 1973 as amended; Title VI and Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act, 42 USC 12101; California Code of Regulations, Title 2,

Title 22; California Government Code, Sections 11135, et seq.; and other federal and state laws and Executive Orders prohibit discrimination.

All programs, activities, employment opportunities, and services must be made available to all persons, including persons with disabilities. See Attachment C for the Procurement Division's ADA Compliance Policy for Nondiscrimination on the Basis of Disability.

Individual government agencies are responsible for self-compliance with ADA regulations.

Contractor sponsored events must provide reasonable accommodations for persons with disabilities.

Website

A list of the CMAS Small Business and Disabled Veteran Partners is on the CMAS website as follows: www.dgs.ca.gov/pd (click on CMAS, then Find a CMAS Contract)

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 11 – PURCHASE ORDER DOLLAR LIMITS AND PROCEDURES

Purchase Order Limits	Local government agencies are subject to their own procurement policies and procedures, including purchase order limits.
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Purchase Order Form	Local government agencies use their own purchase order forms.
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Purchase Order Amendments	When the agency determines that the purchase order is incorrect for any reason, they should first contact the Contractor and then issue an amendment to correct the purchase order as soon as possible (preferably before delivery of the products and/or services).
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For amendments, the agency uses the same agency order number as the original purchase order, with an amendment #____.

The Contractor is required to reject purchase orders that are not accurate.

Purchase Order Termination	The only CMAS provisions for early termination of a purchase order are in the areas identified below:
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- Termination for Convenience (also see Stop Work)
- 30 day notice for maintenance transactions
- 90 day notice for most federal GSA based copier contracts

Agencies may negotiate a termination provision into the purchase order before issuance. The Contractor is not legally obligated to accept increased risk.

Delivery of Products and Services	The order must be issued before the expiration of the CMAS contract end term.
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However, delivery of the products or completion of the services may be after the expiration of the CMAS contract end term (unless specifically stipulated otherwise in the CMAS contract), but must be as provided for in the contract and as specified in the purchase order.

Contract Numbers	<ul style="list-style-type: none">• Contract numbers begin with a 3 for information technology products and/or services.• Contract numbers begin with a 4 for non-information technology products.• Contract numbers begin with a 4 and include a 03 in the third field for non-information technology services (Example: 4-XX-03-XXXX).
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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 11 – PURCHASE ORDER DOLLAR LIMITS AND PROCEDURES, Continued

Not a Bid	Do not refer to the CMAS transaction as a bid. This is not a competitive bid transaction so small business preference, protest language, intents to award, evaluation criteria, advertising, etc. are not applicable. Refer to the CMAS transaction as a “Request for Offers” (RFO).
Substantiate Contract is Valid	Notwithstanding the end term on the hardcopy contract, agencies should check the CMAS website (www.dgs.ca.gov/pd , click on CMAS, then Find a CMAS Contract) to substantiate that the contract is still active before issuing an order.
Awards Based on Best Value	Agency awards may be based on best value criteria, as applicable, and are not restricted to lowest cost. (See Section 4 of this information packet)
Multiple Contracts - One Purchase Order Form	<p>Agencies wishing to include multiple CMAS contracts on a single purchase order must adhere to the following guidelines:</p> <ul style="list-style-type: none">• All contracts must be for the same CMAS contractor.• The purchase order must go to one contractor location.• Write the word “CMAS” in the space usually reserved for the contract number. The word “CMAS” signifies that the purchase order contains items from multiple CMAS contracts.• The purchasing agency may only use one bill code.• For each individual contract (as differentiated by alpha suffix), the agency must identify and group together the contract number with the line items and subtotal per contract number (do not include tax in the subtotal), AND sequentially identify each individual contract as Sub #1, Sub #2, Sub #3, etc. This facilitates accurate billing by the Procurement Division.• The total of all items on the purchase order must not exceed the purchase order limit identified in the CMAS contract.• Do not combine items from both commodity and information technology contracts. Commodity contracts begin with the number “4” and information technology contracts begin with the number “3.” The purchase order limits are different for these two types of contracts.
Where to Send Purchase Order?	<p>Local government agencies are required to send a copy of the purchase order to the Procurement Division at the following address:</p> <p>Department of General Services Procurement Division – Data Management 707 Third Street, Second Floor West Sacramento, CA 95605</p>

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 12 – NOT SPECIFICALLY PRICED (NSP) ITEMS

Open Market, Incidental, and Non-Contract Items

The only time that open market/incidental, non-contract items, may be included in a CMAS purchase order is when they fall under the parameters of the Not Specifically Priced (NSP) Items provision.

If the NSP provision is not included in the CMAS contract, or the products and/or services required do not qualify under the following parameters, the products and/or services must be procured separate from CMAS.

Subordinate and Peripheral

The Not Specifically Priced (NSP) Items provision enables the agency to include in the purchase order non-contract products and services that are subordinate and peripheral to the other purchase order items, as follows:

- A purchase order containing NSP items may be issued only if it results in the best value alternative to meet agency needs.
 - Any product or service already specifically priced and identified in the contract may not be identified as a NSP item in a purchase order.
 - All NSP items included in a purchase order issued against a CMAS contract are subject to all the terms and conditions set forth in the contract.
-

Items Specifically Excluded

The following NSP items ARE SPECIFICALLY EXCLUDED from any purchase order issued under the contract:

1. Items that are not intended for use in direct support of the CMAS priced items identified in the same purchase order. A NSP item must be subordinate to the specifically priced item that the NSP item is supporting.
 2. Supply type items, except for the minimum amount necessary to provide initial support to the priced CMAS items included in the same purchase order.
 3. Items that do not meet the Productive Use Requirements for information technology products (see Attachment D).
 4. Any other items or class of items that are specifically excluded from the scope of the CMAS contract.
 5. Public Works components that are NOT incidental to the overall project requirements. See Section 13, Public Works Projects.
 6. Products or services the Contractor is NOT factory authorized or otherwise certified or trained to provide.
 7. Follow-on consultant services that were previously recommended or suggested by the same contractor.
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NSP Dollar Limit

Maximum Dollar Limitation:

Purchase orders \$250,000 or less: Total dollar value of all NSP items shall not exceed \$5,000.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 12 – NOT SPECIFICALLY PRICED (NSP) ITEMS, Continued

NSP Dollar Limit
(continued)

Purchase orders exceeding \$250,000: Total dollar value of all NSP items shall not exceed 5% of the total cost of the purchase order, or \$25,000, whichever is lower.

NSP Not Available

All contracts do not include the NSP provision. The NSP provision is included at the option of the Contractor and the CMAS Unit.

The NSP provision will not be included in contracts for services only, or software only.

Agency purchase orders for NSP items only are prohibited.

**Manufacturer
Authorization
Required**

Agencies must substantiate (through manufacturer authorizations) that the Contractor is an authorized provider of the products and product related services (maintenance, repair, etc.) that are offered under the NSP provision.

Clearly Identify NSP

The NSP items must be separately listed and clearly identified on the purchase order.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 13 – PUBLIC WORKS PROJECTS

Definition of a Public Works Project	A public works contract is defined as a contract for “the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement of any kind” in accordance with the Public Contract Code Section 1101.
Installation of Physical Layer Cable and Carpet	Installation of physical layer cable and carpet is considered public works. The agency purchase order may allow for a public works component only when it is incidental to the overall project requirements.
Applicable Laws and Codes	Agencies are to ensure that the applicable laws and codes pertaining to contractor and sub-contractor licensing, prevailing wage rates, bonding, labor code requirements, etc., are adhered to by prime contractors as well as sub-contractors during the performance under the agency’s CMAS purchase order.
Agency Responsibility	<p>In accordance with Labor Code Section 1773.2, the ordering agency is responsible for determining the appropriate craft, classification or type of worker needed for any contract for public works.</p> <p>Also, the agency is to specify the applicable prevailing wage rates as determined by the Director of the Department of Industrial Relations (DIR). In lieu of specifying the prevailing wage rates, the agency may include a statement on the purchase order that the prevailing wage rates are on file at the agency’s office, and will be made available upon request. The prevailing wage rates are available from the DIR at (415) 703-4774 or www.dir.ca.gov (select Statistics and Research).</p>
Verify Status of Contractor’s License	The CMAS Unit substantiates that the Contractor holds the appropriate license when the contract is established. However, the agency must verify that the Contractor’s license is still active and in good standing prior to placing the order by calling the State Contractor’s License Board at 1-800-321-2752 or on their website at www.cslb.ca.gov .
Prime and Subcontractors Both Must Be Licensed	When contractor’s licenses are required, the prime <u>and</u> subcontractor (if applicable) must both hold a valid license for the work being performed.
State Contracting Manual	State agencies planning these types of projects need to review the State Contracting Manual (SCM) Section 10 for applicable regulations.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 13 – PUBLIC WORKS PROJECTS, Continued

Bond Requirements Public Works: Prior to the commencement of performance, the Contractor must obtain and provide to the State, a payment bond, on Std. Form 807, when the contract involves a public works expenditure (labor/installation costs) in excess of \$5,000. (continued)

Such bond shall be in a sum not less than one hundred percent (100%) of the contract price. Forms shall be provided to the Contractor.

See the CMAS Contract General Terms and Conditions, CMAS Public Works Requirements.

CMAS LOCAL GOVERNMENT AGENCY PACKET

SECTION 14 – AGENCY COMPLIANCE

Compliance Focus	<p><u>The following guidelines pertain to state agencies only and are provided for information only.</u></p> <p>The Procurement Division, Purchasing Authority Management Section (PAMS), conducts periodic compliance reviews of an agency's procurement programs. These reviews are conducted on-site at the agency location.</p>
What is Reviewed?	<p>Agencies must have evidence of the following available for review:</p> <ul style="list-style-type: none">• Does the Contractor have a CMAS contract?• Does the file contain a copy of the contract and the individual price pages for the items purchased?• Was "best value" documented?• Was pricing bundled?• Are the prices, position titles, skill levels and hourly rates delineated and do they correlate with those specified in the CMAS contract?• Does the dollar amount fall within order limits?• Does the purchase order reflect the correct contract number?• Is a STD. 204 included or referenced in the file documentation?• Were small businesses considered?• Was a Statement of Work included?
File Documentation	<p>Departments must have a complete copy of CMAS contracts in use, including all terms and conditions, located in their purchasing unit. All CMAS transaction documents must have attached the face cover of the CMAS contract showing the effective date, and the price pages showing the base contract price for all items ordered.</p>
Contractor Compliance Reviews	<p>The following is provided for agency information only.</p> <p>The Purchasing Authority Management Section also conducts contractor compliance reviews. The agency is not involved in these reviews.</p> <p>Be aware that contractors are required to return to the agency any purchase order that is non-compliant with the provisions of the contract at which point an amendment would be required to correct the information, or a new purchase order drafted.</p> <p>The types of compliance issues reviewed are: Overcharging? Are the products and services on the contract and delineated by product/model, hourly rate, position title, or skill level as specified in the contract? Are prices bundled? Is the appropriate CMAS contract being used and in good standing? Have all Quarterly Reports been submitted?</p>

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT A – CMAS WEBSITE SEARCH INSTRUCTIONS

Website

Go to www.dgs.ca.gov/pd and click on:

- CMAS
 - Find a CMAS Contract
 - New CMAS Search
-

Limited Descriptors

The CMAS database limits contract descriptors to a maximum of 12. More products and services may be available on the contract.

Basic Search

Search by Product/Service Description

- Click on CMAS Product/Service
- Click on View Products/Services (scroll list and click on what you need and then scroll back to the top and click on “here” to populate the search field.)
- Click on box for Small Business (S/B) and/or Disabled Veteran Business Enterprise (DVBE) if applicable.
- Click on Search button
- Contracts (if any found) will be displayed in a new window (click on contract number for details).

Search by Contractor Name

- Click on Contractor Name
 - Enter partial or full name of contractor
 - Click on box for Small Business (S/B) and/or Disabled Veteran Business Enterprise (DVBE) if applicable.
 - Contracts (if any found) will be displayed in a new window (click on contract number for details).
-

Advanced Search

Click on **Advanced Search** (towards top of screen). Under **Select Search Scope**, click on following search options:

- **Any** (default) – Displays pages that contain the words (in any order) in the search box. For personal computers, all pages that contain either personal or computer will be displayed.
- **All** – Displays pages that contain the words in the search box. For personal computers, all pages that contain both personal and computers will be displayed.
- **Exact Phrase** – Displays pages that contain the exact words (in the exact order) as in the search box.

The following options are available. Once the option has been selected, click the “SEARCH” button to execute search.

Continued on next page

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT A – CMAS WEBSITE SEARCH INSTRUCTIONS, Continued

Advanced Search (continued)

- For **CMAS Product/Service Search**, click here and enter product/service description (complete phrases, multiple terms, or partial word like micro is acceptable). For the most accurate results, type in the product/service description as it appears in **View Codes**. Click on **View Codes** for a list of descriptions.
- For **CMAS Contractor Name**, click here and enter complete or partial names.
- For a list of only **Small Business (SB)** and/or **Disabled Veteran Business Enterprises (DVBE)**, click the appropriate box.
- For **CMAS Contract Number Search**, click here and enter the CMAS contract number (X-XX-XX-XXXXA).
- For **Contractor Location Search** by city, click here.
- For **Contract Category Search**, click here and using the drop down menu search by contract category. Categories are general descriptions like Telecommunication Equipment or Non-Information Technology services.

Contracts (if any found) will be displayed in a new window (click on contract number for details)

Search Within Results

Use the initial search results and click on **Search Within Results** at the top of the screen. Enter any part or all of the **CMAS Product/Service Codes** to further refine your search.

Once the option has been selected, click the “**SEARCH**” button to execute search.

Contracts (if any found) will be displayed in a new window (click on contract number for details)

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT B – FEDERAL DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - CERTIFICATION

The agency must have this form completed by the Contractor when federal funds are used.

Federal Requirement	Contractors are required to provide this certification to the agency before award of a purchase order using federal funds.
Present Status	The prospective recipient of federal assistance funds certifies, by submission of this signed certification, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
Attach Explanation	Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this certification.
Instructions for Certification	<p>BEFORE COMPLETING CERTIFICATION, READ FOLLOWING INSTRUCTIONS THAT ARE AN INTEGRAL PART OF THE CERTIFICATION.</p> <ol style="list-style-type: none">1. By signing and submitting this certification, the prospective recipient of federal assistance funds is providing the certification as set out below.2. The certification in this class is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.3. The prospective recipient of federal assistance funds shall provide immediate written notice to the person to whom this certification is submitted if at any time the prospective recipient of federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily exclude," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Federal Executive Order 12549.5. The prospective recipient of federal assistance funds agrees by signing this certification that, should the proposed covered transaction be entered into, it shall not, knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.

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CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT B – FEDERAL DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - CERTIFICATION, Continued

**Instructions for
Certification**
(continued)

6. The prospective recipient of federal assistance funds further agrees by signing this certification that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Non-procurement Programs.
 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.
-

Company Name

Name and Title of Authorized Representative

Signature

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT C – AMERICANS WITH DISABILITIES ACT (ADA) NOTICE

ADA Policy

The following outlines the Department of General Services, Procurement Division, Americans with Disabilities Act (ADA) policy for nondiscrimination on the basis of disability:

To meet and carry out compliance with the nondiscrimination requirements of the Americans with Disabilities Act (ADA), it is the policy of the Procurement Division (within the State Department of General Services) to make every effort to ensure that its programs, activities, and services are available to all persons, including persons with disabilities.

Phone Numbers for Help

For persons with a disability needing a reasonable accommodation to participate in the procurement process, or for persons having questions regarding reasonable accommodations for the procurement process, please call the following numbers:

- Procurement Division at: 916-375-4400 (main office)
- Procurement Division TTY/TDD (telephone device for the deaf)
 - Sacramento Office: 916-376-1891
 - Fullerton Office: 714-773-2093
- California Relay Service
 - Voice: 1-800-735-2922 or 1-888-877-5379
 - TTY: 1-800-735-2929 or 1-888-877-5378
 - Speech to Speech: 1-800-854-7784

You may also directly contact the Procurement Division contact person responsible for the procurement document.

Advance Notice

IMPORTANT: To ensure that we can meet your need, it is best that we receive your request at least 10 working days before the scheduled event (i.e., meeting, conference, workshop, etc.) or deadline due date for the procurement document.

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT D – STATE PRODUCTIVE USE REQUIREMENTS FOR INFORMATION TECHNOLOGY PRODUCTS

Overview

CMAS products have met the following Productive Use Requirements by the time the CMAS contract is established. However, this is not the case for Not Specifically Priced (NSP) Items. State agencies must ensure that all NSP products meet the following requirements before adding them to a purchase order.

Productive Use Requirements for Information Technology Products

The elapsed time that equipment or software must have been in operation is based upon the importance of the equipment or software for system operation and its cost.

Each equipment or software component must be in current operation for a paying customer. The paying customer must be external to the Contractor's organization (not owned by the Contractor and not owning the Contractor).

Categories 1 and 2 below designate product categories and the required period of time for equipment or software operation before replacement products and NSP items are acceptable.

Category 1 – Critical Software

Critical software is software that is required to control the overall operation of computer system or peripheral equipment. Included in this category are operating systems, database management systems, language interpreters, assemblers and compilers, communications software and other essential system software.

Cost	Prior Operation
(1) More than \$100,000	8 months
(2) \$10,000 up to \$100,000	4 months
(3) Less than \$10,000	1 month

Category 2 – Information Technology Equipment and Non-Critical Software

Information technology equipment is defined in SAM Section 4819.2.

Cost	Prior Operation
(1) More than \$100,000	6 months
(2) \$10,000 up to \$100,000	4 months
(3) Less than \$10,000	1 month

Compliance Substantiation

To enable substantiation of compliance with the Productive Use Requirements, the Contractor must provide the name and address of the applicable customer installation and the name and telephone number of a contact person.

CMAS LOCAL GOVERNMENT AGENCY PACKET

ATTACHMENT E – DEVELOPING A STATEMENT OF WORK (SOW)

For information regarding the preparation of a Statement of Work (SOW), and some SOW examples, go to the following website: www.dgs.ca.gov/pd (click on CMAS, then Local Governments, then Statement of Work Information)
